

DRN Proposed Modifications

ORDINANCE NO. 2013-21

RADNOR TOWNSHIP

AN ORDINANCE OF RADNOR TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA, AMENDING CHAPTER 280, ZONING, ARTICLE XVI PI PLANNED INSTITUTIONAL DISTRICT, BY ADDING A NEW SECTION 280-68.1, COMPREHENSIVE INTEGRATED COLLEGE DEVELOPMENT, AS A NEW USE WITHIN THE PI ZONING DISTRICT

The Radnor Township Board of Commissioners does hereby ENACT and ORDAIN, as follows:

Section 1. Section 280-68, Use regulations, of Chapter 280, Zoning, Article XVI, PI Planned Institutional District, is hereby amended by adding a new subsection D that shall read as follows:

D. Comprehensive Integrated College Development in accordance with and pursuant to the regulations and requirements set forth in §280-68.1.

Section 2. Chapter 280, Zoning, Article XVI, PI Planned Institutional District, is hereby amended by adding a new Section 280-68.1, Comprehensive Integrated College Development, a use permitted by conditional use, to read as follows:

§280-68.1. Comprehensive Integrated College Development.

A. Purpose; intent of regulations. It is the intent of these regulations to provide and promote redevelopment of land currently used for college or university purposes within the Township. It is the further intent of the Comprehensive Integrated College Development to promote a pedestrian-friendly landscape upon existing college and university campuses in a sensitive and planned development that preserves the integrity of those neighborhoods in which these institutions are situated. In conformity with the Radnor Township Comprehensive Plan, these regulations provide for the sound planning of colleges and universities and limit the expansion of these institutional uses to areas within the present limits of the campus. These regulations are intended to provide design and regulatory standards for college and university facilities which will mutually benefit the Township and the applicant through enhanced vibrancy of the campus areas and a pedestrian-friendly townscape. This use provides for these benefits, while protecting adjacent non-institutional properties from adverse impacts.

B. Definition. A Comprehensive Integrated College Development (CICD) is the redevelopment of lands, and the buildings, structures, and/or improvements located thereon, for any one or more of the subordinate uses set forth in this Section. A CICD can only be established upon lands being used for college or university purposes at the time of adoption of this Section on *[insert date of adoption]*.

C. Designation of Location.

(1) A Comprehensive Integrated College Development shall only be permitted by Conditional Use approval and shall be located upon a single specified site within the applicant's existing campus.

(2) A CICD shall only be permitted when the total campus area of the applicant, within the limits of Radnor Township, is greater than 75 acres as described in the deeds or from an actual survey included as part of an application for a CICD.

(3) No portion of a CICD shall be located on lands zoned other than Planned Institutional (PI) or on lands located in other municipalities, regardless if such other lands are currently used for college or university purposes.

(4) Only one CICD shall be allowed on the entire campus of an applicant and shall only be located on that part of the campus that exists at the date of adoption of this Section and that was being used for college or university purposes at that time.

(5) The CICD shall be limited to a contiguous Site Area greater than 10 acres but no more than 15 acres.

(6) The CICD may consist of more than one contiguous parcel or lot. For purposes of the CICD, this Site Area may include contiguous lots that are separated by streets classified as Local Streets or Minor Collectors by the Township's Subdivision and Land Development Ordinance, but shall not include lots or portions of lots that are separated from the rest of the CICD by streets classified as Arterials or Major Collectors by the Township's Subdivision and Land Development Ordinance or by railroad rights-of-way or easements.

(7) Whenever there is conflict or inconsistency between this Section's regulations and other regulations of the Zoning Ordinance, the regulations set forth in this Section shall govern. All other applicable codes and regulations of the Township of Radnor shall remain applicable to the CICD.

(8) Any change in use or the addition of a new use(s); or the expansion of an approved CICD shall require a new Conditional Use approval.

D. Regulations.

(1) Subordinate Use Regulations. A Building, a Structure, or a combination of Buildings and Structures may be erected, used, or occupied for any one or more of the following purposes as part of a CICD when approved as a Conditional Use by the Board of Commissioners in accordance with Article XXIII of this Chapter. All of the proposed Subordinate Uses within a CICD shall meet all of the specific standards and regulations set forth in this Section.

(a) Educational Subordinate Uses for any of the following purposes:

[1] Academic Facilities - classrooms, research facilities, and administrative/faculty offices.

[2] Performance Facilities -athletic facilities, field houses, stadia, arenas, natatoriums, auditoriums, performance spaces, and theatres.

[3] Social Facilities - student centers; student health centers; libraries; museums; places of worship; food preparation, restaurant, or dining facilities; and other recreational/social facilities designed and limited to provide services primarily to the

institution's students, faculty, and staff.

[4] Housing Facilities - dormitories, townhouses, apartments, single-family dwellings and other dwelling units and accommodations for housing the institution's students, faculty, and staff.

[5] Parking Facilities - Surface parking and Parking Structures.

(b) Retail Subordinate Uses, are limited to the following uses and subject to Subparagraph [6] below:

[1] Clothing shop, book store, variety store to include food items, bakery, ice cream shop, drug store, specialty shop, or similar use providing sales and services to customers.

[2] Personal service shop, including a barbershop, beautician, salon, or laundromat.

[3] Café, bistro, eatery or similar establishment owned and/or operated by the Institution.

[4] Bank or similar financial institution.

[5] Indoor amusement arcade.

[6] Retail Subordinate Uses shall only be located on the ground floor or basement of a Building.

[a] Such Uses may be open to the public. However, each such Retail Subordinate Use shall be designed to be an integral part of the institution and to primarily serve the institutional community, including: students, faculty, staff, alumni, and visitors.

[b] Those areas in the CICD devoted to Retail Subordinate Uses shall not exceed 5% of the total gross floor area of all the Buildings, not including Parking Structures, in the CICD. The floor area, excepting related storage, devoted to each retail use shall not exceed 10,000 square feet; provided the floor area devoted to all retail subordinate uses (including storage) within the CICD shall not exceed 25,000 square feet.

(2) Dimensional Regulations.

(a) Setbacks from the ultimate right-of-way for Arterial Streets (as defined in the SALDO) owned on both sides by the applicant:

(b) Setbacks from the ultimate right-of-way for Major Collector Streets (as defined in the SALDO)

(c) Setbacks from the ultimate right-of-way for Local and Minor Collector Streets (as defined in the SALDO) owned on both sides by the applicant:

(d) Setbacks from railroad property lines and rights-of-way:

(e) Defaults and Exceptions concerning Setbacks:

[1] All other setbacks shall comply with the regulations generally applicable in the PI District.

[2] Elevators and stair towers for a Parking Structure may be located no closer than 10 feet from the right-of-way of a Local and Minor Collector Street for a length of no greater than 50 feet.

[3] Where the proposed CICD consists of more than one lot or parcel there shall be no required setbacks to Buildings, Structures, or other improvements, between the lots or parcels included in the CICD or other lands owned by the applicant, provided an easement agreement, lot consolidation, or declaration of covenants, conditions and restrictions enables the lots or parcels comprising the CICD to function as one integrated development.

[4] Where the proposed CICD is adjacent to other contiguous lands owned by the applicant (that are not separated by roads, railroad property lines, or rights-of-way) no setbacks shall be required regardless of zoning district.

(f) Maximum Building Area:

[1] Total Building Coverage - Not more than 30% of the CICD Site may be occupied by Buildings. The Total Building Coverage may be increased to no greater than 45%, subject to the land preservation standards of this Section, provided that in no event may the Total Building Coverage of the applicant's Entire Campus, within the PI Zoning District exceed 30%. For purposes of calculating the Total Building Coverage in the CICD, Parking Structures shall be included in the Building Area.

[2] Individual Building Coverage - No individual building or group of buildings (not separated from each other by the minimum required separation distance noted below), shall exceed an individual building coverage of 10%. Parking structures are not required to be included in the calculation of Individual Building Coverage.

(g) Maximum Impervious Surfaces: Not more than 45% of the CICD Site may be covered by impervious surfaces (the "Impervious Surface Ratio"); provided, however, if the CICD is redeveloping existing improved lands, then the maximum allowed Impervious Surface Ratio shall be 45% or 10% less than the existing Impervious Surface Ratio on the proposed CICD site, whichever is greater. In no event may the maximum allowed impervious surfaces on the applicant's Entire Campus within the PI Zoning District exceed 45%.

(h) Height Limitations from the average existing grade (the average of the existing grades taken at twenty-foot intervals around the proposed building perimeter) to the midpoint of a sloped roof or to the highest roof beams of a flat roof, provided that * The height of a Fly Loft shall not exceed 65'. A Fly Loft is limited to the area directly over the stage of a theatre, containing overhead lights, drop curtains, and equipment for raising and lowering sets.

(i) Building Length and Spacing

[1] Building Length - Building Length shall measure the length of a single façade of a building or parking structure that is unbroken by variations/articulations in the façade for the entire height of the building. Such variations/articulations shall comprise of a minimum 6 foot horizontal offset depth. The variations/articulations shall have a minimum width to depth ratio of 4:1.

[2] Minimum Building Spacing. These standards shall apply to all existing or proposed buildings and parking structures; either within the limits of the CICD or between buildings within the CICD and other buildings located on the entire campus.

(3) Special Regulations.

(a) Riparian Buffer Setback: ~~50~~Unless a greater buffer width is provided herein or under any other law, regulation or ordinance, a minimum riparian buffer of one hundred (100) feet shall be provided.

[1] For any waterbody that has been designated as High Quality, Exceptional Value, or any other special protection designation, a minimum riparian buffer of three hundred (300) feet shall be provided.

[2] For any waterbody that has been designated as Impaired, a minimum riparian buffer of one hundred and fifty (150) feet shall be provided.

[3] All riparian buffers shall be populated with only native plant species.

(b) Buffer Planting Strip. No Buffer Planting Strip or screening shall be required within the CICD or between the CICD and other properties of the applicant. Where required by §280-71, a 20 foot Buffer Planting Strip shall be provided on land owned by the applicant. In addition, a 20 foot Buffer Planting Strip, in accordance with §280-71, shall be provided anywhere within 200 feet of the CICD, unless waived by the Board of Commissioners. This additional buffer planting strip shall be located on lands of the applicant and placed so as to effectively screen the proposed CICD from any adjacent residential uses.

(c) Requirement to Preserve Land. If the applicant wishes to increase its ~~Building-Maximum Impervious~~ Area within the CICD to more than 30%, then for each square foot of ~~Building-Impervious~~ Area proposed in excess of 30%, the applicant shall be required to preserve two (2) square feet of open space on lands owned by the applicant.

[1] The minimum area of any such preserved land shall not be less than 10,000 square feet.

[2] The preserved lands shall be located within the CICD or within 500 feet of the boundaries of the CICD.

[3] The preserved lands shall consist of one contiguous area which is not separated or divided by other parcels, streets, driveways, vehicular accessways, or railroad easements or rights-of-way.

[4] The preserved lands shall not include narrow or irregular pieces of land which are remnants from the development on a campus. Preserved lands shall have a minimum

horizontal dimension of 200 feet in every direction.

[5] Such lands shall be permanently preserved through the placement of a recorded easement that prohibits the construction of buildings, paving, or structures, other than walkways and other passive park improvements.

[6] Such lands shall be new open space areas, not existing areas already part of the campus, they shall be primarily vegetated with native trees and shrubs, and shall not be maintained as mowed lawns.

(d) All applications for a CICD shall be subject to review by the Design Review Board in accordance with architectural standards set forth in Chapter 150 of the Township Code.

(e) Off-Street Parking and Loading Requirements. The number of spaces required shall not be less than the minimum requirements of §280-103 and §280-104 , except as follows:

[1] The Board of Commissioners may permit a reduction in the number of parking spaces to be developed as required by this chapter, provided that each of the following conditions are satisfied:

[a] The applicant shall demonstrate to the Board using five years of existing or projected employment, customer, resident or other relevant data, such as Urban Land Institute (ULI) standards, that a reduction in the off-street parking spaces requirements of this chapter is warranted.

[b] The applicant shall submit plans of the parking as required by this chapter designating a layout for the total number of parking spaces needed to comply with the Ordinance. Additional plans shall also be provided designating other contiguous areas of the Entire Campus where sufficient parking is provided, or shall provide parking agreements between the applicant and the owners of other contiguous lands that designate offsite parking areas intended to serve applicant's property.

[c] The applicant shall execute an agreement with the Township requiring the applicant to acquire, install and/or construct additional off-street parking spaces in the event that the Board finds that additional parking is needed to service all proposed uses within the CICD within five years of final occupancy of such project. If additional parking is needed in accordance with this subsection, such parking shall meet all applicable area, dimensional, and buffering requirements.

[2] There shall be no off-street loading requirements except for Retail Subordinate Uses. All off-street loading shall be adjacent to the Use being served by the space; designated by the applicant; and approved by the Board during the Conditional Use Approval Process. The number of berths shall be one berth for each 20,000 square feet of net floor area, or fraction thereof, devoted to Retail Subordinate Uses in the CICD.

[a] Off street loading facilities shall have adequate and unobstructed access to a street, service drive, or alley. Such facilities shall have adequate maneuvering space and shall be so arranged that they may be used without blocking or otherwise

interfering with the use of automobile accessways, parking facilities, fire lanes, or pedestrian ways, clear sight distances or triangles, or backing out onto a public street.

[3] Except for areas of access, all driveways, off-street loading areas, and service or interior roadways shall be permitted within all yard setbacks with a minimum setback distance of 5 feet from any public right-of-way, except that off-street loading areas shall not be located between a building and the right-of-way line of an Arterial or Major Collector Street.

[4] Surface parking spaces shall be no less than 9 feet by 19 feet. Parking spaces in any Parking Structure shall be no less than 8 feet 6 inches by 19 feet. Parking Structures with a 75° angled parking and one-way aisles shall have a minimum aisle width of 17 feet. Handicap accessible spaces and their size shall be provided in accordance with the SALDO and other codes of the Township.

[5] As specifically designated during the Conditional Use Approval process, the required off-street parking spaces may be located (i) within the boundaries of the CICD, or (ii) on other areas of the Entire Campus, exclusive of areas within residential zoning districts.

(f) Mechanical, Electrical Equipment and Trash.

[1] Mechanical/Electrical equipment shall be located/mounted at ground level. Areas for trash disposal shall be located in the rear of Buildings.

[2] All such elements shall be screened from view. In addition, sound attenuation devices shall be installed on all ground mounted equipment to minimize noise pollution at any adjacent residential property line.

[3] If during the Conditional Use approval process, the applicant can demonstrate that mechanical and/or electrical equipment mounted above ground level can be located and integrated into the overall design and architectural character of the building in such a manner as to be hidden or disguised from view from any adjacent street or property, then such equipment may be located above ground level.

(g) Site Lighting – Light fixtures shall be shielded to reduce light spillage beyond the property line of the campus; provided however that at no point shall any light trespass onto adjacent residential properties exceed 0.5 foot-candles at the residential property line. All proposed exterior site and building mounted lighting shall meet the International Dark-Sky Association (IDA) full cutoff requirements.

(h) No Subordinate Use shall include a drive-thru /drive-in service.

(i) Conditional Use Plans – As part of the Conditional Use Application, the applicant shall provide the following:

[1] Tract Boundaries Plan- a plan delineating the boundaries of the applicant's Entire Campus (the "Entire Campus Plan"). The applicant's Entire Campus shall include all

contiguous lots and those lots owned by the institution or associated entity that may be separated from each other by parcels, streets, and/or transit authority property lines and rights-of-way.

[2] Improvements Plan – a plan delineating the boundaries of the area covered by the CICD. This shall include a preliminary layout of all of the improvements proposed within the entire CICD; whether proposed to be completed in one or multiple phases.

(j) Pedestrian Circulation. In order to ensure safe and efficient pedestrian circulation the Board of Commissioners may require, as part of the Conditional Use Approval, pedestrian improvements, including but not limited to, signalization, road crossings, pedestrian bridges, and the like. Improvements associated with Pedestrian Circulation shall not be subject to any dimensional, building coverage, and Building/Structure Length and separation requirements of the CICD and the Zoning Code, as amended.

(k) Stormwater Management Regulations. All applications for a CICD shall provide Volume Control for Stormwater Management in accordance with the standards set forth in this subsection, in addition to the requirements of the Radnor Township Stormwater Management Ordinance. Conditional use approval shall not be granted unless the Applicant demonstrates compliance with the standards set forth herein.

1. Applicants shall utilize Green Infrastructure/Low Impact Development designs and practices to infiltrate, evapotranspire and/or capture and use stormwater.
2. Volume control shall be provided in accordance with the performance criteria established in the U.S. Environmental Protection Agency “Technical Guidance on Implementing the Stormwater Runoff Requirements for Federal Projects under Section 438 of the Energy Independence and Security Act”, (EPA 841-B-09-001, December 2009 www.epa.gov/owow/nps/lid/section438).
3. Stormwater management systems for CIDC shall be designed, constructed, and maintained to manage rainfall onsite, and prevent the off-site discharge of the precipitation from all rainfall events less than or equal to the 95th Percentile Rainfall Event to the maximum extent technically feasible (METF).
 - a. The 95th Percentile Rainfall Event is defined as the event whose precipitation total is greater than or equal to ninety-five (95) percent of all storm events over a given period of record.
 - b. The 95th Percentile Rainfall Event shall be calculated in accordance with the methodology outlined in EPA 841-B-09-001 using a rainfall record of not less than thirty (30) years. In the alternative, a 95th Percentile Rainfall Event of 1.8 inches, as calculated using data from the Philadelphia International Airport, may be applied.
4. Any proposal to capture and use runoff so that it is ultimately discharged to surface waters or a sanitary treatment system is subject to review and approval.
5. Applicant shall ensure that any underdrain designs, if employed, shall have adequate retention capacity for the 95th Percentile Rainfall Event volume, with release of the retained volume occurring over not less than seventy-two (72) hours from the start of precipitation.

6. For structures such as roofs and paved surfaces that can increase the temperature of stormwater runoff, Applicants shall demonstrate that they have considered, and used as appropriate, materials that minimize temperature increases (e.g., concrete vs. asphalt; vegetated roofs).

7. Applicants may reduce peak rate and volume of stormwater runoff by utilizing stormwater management designs that retain runoff volume. The Cover Complex Curve Number used to estimate post-development peak flow rates can be adjusted in accordance using the following equation:

$$CN' = \frac{200}{(P + 2Q + 2) - \sqrt{5PQ + 4Q^2}}$$

where:

P = design storm (e.g., 10 year 24 hour storm)

Q = Q_x - Q_{GI}

Q_x = design storm runoff

Q_{GI} = runoff captured by green infrastructure.

Section 3. Section 280-135 of Chapter 280, Zoning, of the Township Code of Ordinances is hereby amended by adding a new Subsection G that shall read as follows:

§280-135.G – Development Impact Statement

(1) For any application filed pursuant to Article XXIII of this Chapter, a development impact statement shall be submitted with the application. To ensure that a proposed use will not have an adverse effect upon the natural features of the site, as well as upon the provision of light and air, water, transportation, police and fire protection, schools, utilities and other public facilities, the Board of Commissioners and the Township Planning Commission shall evaluate the impact of the development upon the site, the surrounding neighborhood, and the facilities and services of Radnor Township as listed below. In evaluating such impacts, consideration shall be given to potential impacts of the proposed use during site preparation, construction, and operation phases. The applicant shall provide all of the information, data and studies needed to fully evaluate these items. Such statement shall ~~contain~~ include the following:

(a) An analysis of the consistency of the proposed use with the Radnor Township Comprehensive Plan, as amended. The analysis shall include, but not be limited to, the compatibility with Environmental & Natural Resources; Housing, Demographics, and Socioeconomics; Business and Economic Development; Transportation and Circulation Plan; Open Space and Recreation; Historical and Archaeological Resources; Community Services and Facilities; and the Land Use Plan sections of the Comprehensive Plan.

(b) The impact of the proposed use on floodplains, waterways, heavily wooded areas, steep slopes, and other sensitive natural features located upon and adjacent to the Site, if any.

(c) The potential adverse environmental impacts of the proposed use, including the following parameters: 1) air pollution, including dust and fugitive emissions; 2) surface groundwater pollution; 3) stormwater runoff, soil erosion and sedimentation; 4) soil contamination, both on-site and off-site; 5) groundwater supply; 6) noise; 7) light; 8) odors; 9) potential for fire and explosion; 10) impacts on local flora and fauna; 11) impacts on public health; and 12) the extent to which

Federal and State environmental regulations will be met or exceeded.

(d) Alternatives to the proposed use to lessen adverse impacts, including but not limited to the following: 1) changed location; 2) different sized facilities; 3) redesign, layout or siting of building, structures and impervious surface; 4) alternative methods for air pollution control, water pollution control, water supply and/or solid waste handling and disposal.

(ee) The proposed use's impact on the Township and regional transportation system(s) and the ability of adjacent streets and intersections to efficiently and safely handle the traffic generated by the proposed development. This analysis shall include all modes of transportation and shall be based on current Pennsylvania Department of Transportation (PennDOT) requirements within their Policies and Procedures for Transportation Impact Studies (PennDOT Strike-off Letter 470-09-4, dated 2009, as amended).

(ef) The proposed use's impact on the Radnor School District including an estimate of new pupils generated by the proposed development.

(eg) The proposed use's impact on nearby commercial facilities within the Township and surrounding municipalities.

(fh) The proposed use's impact on public utilities including but not limited to sewage disposal, water supply, storm drainage, and electrical utilities.

(gi) The proposed use's impact upon the provision of police and fire protection.

(hj) The proposed use's impact on the Township's open space and recreation facilities.

(ik) The proposed use's impact upon the character of the surrounding neighborhood. The applicant must show the proposed development will not adversely affect the surrounding neighborhood.

(jl) An analysis of the proposed use's fiscal impacts upon the County, Township, and School District.

(m) Measures to mitigate any unavoidable adverse impacts.

(n) Assessment of the risks to public health and the environment from the proposed use after implementing the mitigating measures.

(o) Proposed ongoing monitoring of key or critical environmental and public health parameters by the Township to ensure that the actual environmental and public health impacts are maintained at or below those estimated in the assessment and a proposal for applicant to pay for the expenses connected with such monitoring.

(p) Such additional information as the Township may request to fully evaluate the potential public health and environmental impacts of the proposed use.

(2) Required documentation for the Statement shall include the following, if applicable:

(a) A Conditional Use Plan for the proposed development, identifying all proposed uses to be located on the site, and demonstrating compliance with the area, bulk and dimensional requirements for the proposed use. The Conditional Use Plan shall be submitted in the form of a Sketch Plan containing the information required by Section 255-19 of the Township Subdivision and

Land Development Ordinance.

(b) The applicant shall provide conceptual architectural renderings (perspectives and elevations) of the proposed development.

(c) The location and size of the site, with evidence supporting the general adequacy for development.

(d) The existing site conditions and features, including an inventory of the physical resources of the tract. The inventory shall include features such as geology, topography, soils, hydrology, and biological resources. The conditions shall be shown on a map drawn to a scale of not smaller than one hundred (100) feet to the inch.

(e) An impacts inventory, documenting the impacts of the proposed use, including the type and duration of these impacts. In addition to a narrative presentation of the impacts, the Applicant shall display where the project adversely affects the tract's resources, conditions or characteristics through the use of a map drawn to a scale of not smaller than one hundred (100) feet to the inch, wherein the areas adversely impacted by the proposed use are highlighted.

(f) The proposed residential density of the development and the percentage mix of the various dwelling types.

(g) The location, size, accessibility and proposed use of the open space, manner of ownership and maintenance, and a copy of the covenant to be incorporated in the individual deeds, if applicable.

(h) Conceptual landscape plans showing locations of trees and shrubs and other landscape improvements (e.g., berms, fences) as necessary to mitigate the adverse visual impacts which the proposed actions will have on the property, adjoining properties and the Township in general. This shall include improvements to the streetscape adjacent to the property boundaries.

(i) Conceptual plans of proposed utility and drainage systems.

(j) A phasing plan describing how the proposed development will be implemented (if applicable).

(k) Plans and renderings indicating the design, unity and aesthetic relationship of building and landscaping within the proposed development with that of the surrounding area.

(l) The text of covenants, easements and existing restrictions or those to be imposed upon the land or structure including provisions for public utilities, and trails for such activities as hiking or bicycling, if applicable.

(m) Such other documentation as the Township may request to fully evaluate the potential public health and environmental impacts of the proposed use.

(3) The Development Impact Statement shall be prepared by qualified experts, including engineers, toxicologists, ecologists and other experienced professionals. The Applicant shall be responsible for the Township's professional fees and costs incurred in the Township's review of the proposal.

Section 4. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

Section 5. Severability. If any section, paragraph, subsection, clause or provision of this Ordinance shall be

declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof other than that portion specifically declared invalid.

Section 6. Effective Date. This Ordinance shall become effective in accordance with the